

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC R. WILLIAMS,	:	
Plaintiff	:	
	:	
	:	No. 1:19-cv-720
v.	:	
	:	
	:	(Judge Rambo)
MICHELLE MAGEE, et al.,	:	
Defendants	:	

ORDER

AND NOW, on this 18th day of September 2019, upon consideration of the motion to dismiss filed by Defendants Platt, Shiptoski, and Newton (Doc. No. 19), and in accordance with the Memorandum accompanying this Order, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to amend the docket to reflect that Defendant Platt's correct title is CRNP;
2. The motion to dismiss (Doc. No. 19) is **GRANTED**. Plaintiff's claims against Defendants Platt, Shiptoski, and Newton for damages pursuant to the Pennsylvania Constitution are **DISMISSED WITH PREJUDICE**. His Eighth Amendment claims against Defendants Platt, Shiptoski, and Newton are **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff is granted thirty (30) days from the date of this Order to file an amended complaint regarding his Eighth Amendment claims against Defendants Platt, Shiptoski, and Newton. If Plaintiff elects to file an amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the original complaint or any other documents already filed. The amended complaint should set forth Plaintiff's claims in short, concise and plain statements as required by Rule

8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The amended complaint should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims. Importantly, should Plaintiff elect to file an amended complaint, he must re-plead every cause of action in the amended complaint because the amended complaint will supersede the original complaint. *See Knight v. Wapinsky*, No. 12-cv-2023, 2013 WL 786339, at *3 (M.D. Pa. Mar. 1, 2013) (stating that an amended complaint supersedes the original complaint). Because an amended complaint supersedes the original pleading, all causes of action alleged in the original complaint which are not alleged in an amended complaint are waived. *Id.* (citations omitted). The Clerk of Court is **DIRECTED** to mail Plaintiff a civil rights complaint form to use for filing his amended complaint; and

4. If Plaintiff files an amended complaint, it will supersede the original complaint as set forth above. If Plaintiff fails to file an amended complaint within thirty (30) days of the date of this Order, the Court will proceed on Plaintiff's original complaint as to his claims against Defendants Magee and Kowalski.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge